

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

	)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY	)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION	)	
<hr/>		Judge Patti B. Saris
	)	
THIS DOCUMENT RELATES TO:	)	EX PARTE APPLICATION
State of California, <i>ex rel.</i> Ven-A-Care v.	)	BY THE STATE OF CALIFORNIA
Abbott Laboratories, <i>et al.</i>	)	FOR ENLARGEMENT OF
01-cv-12257-PBS and 03-cv-11226-PBS	)	TIME TO EFFECT SERVICE;
	)	AND [PROPOSED] ORDER
	)	
	)	
	)	

Plaintiff State of California (“California”), through the undersigned counsel, hereby applies to the Court ex parte for an Order for enlargement of time to effect service on Sicor, Inc. The Relator, Ven-A-Care of the Florida Keys, joins in this Application.

The undersigned counsel for California has advised counsel for Sicor, Inc. that such an ex parte request will be made to this Court. Specifically, Deputy Attorney General John P. Fisher notified Sicor's counsel, Elizabeth Hack of Sonneneschein, Nath & Rosenthal LLP in Washington, D.C. by telephone on December 16, 2005 of this application, as set forth in the accompanying declaration. Ms. Hack stated she did not oppose this application. Plaintiff has not sought or obtained any previous enlargements of time to effectuate service from this Court. An enlargement of time is necessary in order to allow a settlement agreement to be finalized and completed. The agreement cannot be completed within the 120 day period in which to serve Sicor, Inc., which expires on December 23, 2005.

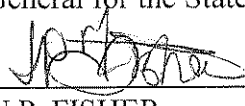
Plaintiff respectfully requests that the Court grant an additional sixty [60] days for California to effect service on Sicor, Inc., so that service must be completed on or before February 21, 2006, should the settlement agreement not be completed. Neither party believes this will happen, based on the current status of the settlement review process.

Dated: December 19, 2005

Respectfully submitted,

BILL LOCKYER  
Attorney General for the State of California

By: \_\_\_\_\_

  
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